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The investigations function in the United Nations system

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Joint Inspection Unit entitled "The investigations function in the United Nations system" (JIU/REP/2011/7).

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THE INVESTIGATIONS FUNCTION IN THE UNITED NATIONS SYSTEM

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Geneva 2011

Executive summary

The investigations function in the United Nations system — JIU/REP/2011/7

This review follows up on two previous JIU reports on oversight, "Strengthening the investigations function in United Nations system organizations" and "Oversight lacunae in the United Nations system". The objective of the review is to provide recommendations leading to system-wide coherence and harmonization among the oversight mechanisms of the United Nations system in discharging their responsibilities with regard to investigations.

Main findings and conclusions

Significant progress has been made in strengthening the investigations function in the United Nations organizations in the past decade. However, notwithstanding the overall progress achieved, problems remain.

The Inspectors found that in a number of United Nations system organizations responsibility for investigations continues to be fragmented. As a result, investigations are being conducted by non-professional investigators and/or entities. Some of the most serious consequences of a fragmented function are that the individuals conducting the investigation are not independent but are a part of management and that there is an uneven application of investigation standards within the Organization.

Problems remain also with the independence of the internal oversight entities in discharging the investigation function:

- No oversight entity is free to decide its own budgetary requirements; the budget remains the subject of scrutiny and control by functional managers and ultimately by the executive head.

- The heads of internal oversight entities do not enjoy full operational independence as they do not exercise full managerial responsibility and control over their human resources.

- There is a risk, because of mobility issues, that investigators could be negatively influenced or even manipulated in performing their duties by individuals who may become their direct supervisors or play a role in their future career advancement.

- In some organizations no investigation can be opened in the absence of the executive head's explicit approval or specific instruction.

In managing investigations, the Inspectors found that:

- Other entities in the organizations where the function is fragmented do not apply the same professional standards and guidelines to the investigations they are conducting.

- Although all the organizations' internal oversight entities rely for guidance on the Uniform Guidelines for Investigations, the manuals and methods used vary significantly from organization to organization.

- There is no institutionalized forum on the discharging of the investigation function in the United Nations system.

- There is no separate allocation for investigations in the oversight budget of some organizations.

- The majority of organizations lack consistent and effective follow-through on the investigations conducted.

Recommendations

Most of the recommendations are for the executive heads to implement and address the problems found by the Inspectors. Of particular note is the recommendation addressed to the United Nations Secretary-General requesting that he establish an inter-agency task force under the auspices of CEB that will develop options for the creation of a single United Nations system Investigation Unit by the end of 2013 for presentation to legislative bodies. This ultimate consolidation of the investigation function into a sole United Nations entity would benefit small agencies without investigative capacity, harmonize business practices, result in common standards and procedures in conducting investigations, resolve independence issues, result in hiring only professional investigators, allow staff promotion opportunities as well as address fragmentation issues, etc. The Inspectors recognize that this will be a difficult and very complex undertaking but are confident that, if addressed positively by all parties, attendant problems can be overcome and the benefits to the organizations and their staff will be significant.

Recommendations for consideration by legislative bodies

- **The legislative bodies of United Nations system organizations which have not yet done so should direct their executive heads to ensure that internal oversight entities or investigation units are authorized to initiate investigations without the executive head's prior approval.**

- **The legislative bodies of United Nations system organizations should review the adequacy of resources and staffing of the investigation function on the basis of the recommendations of the respective audit/oversight committees either annually or biennially depending on the organizations' budget cycle.**

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Abbreviations

AUD	Office of the Inspector General
CEB	United Nations System Chief Executives Board for Coordination
CII	Conference of International Investigators
DFS	Department of Field Support
DIOS	Department of Internal Oversight Services
DM	Department of Management
DOS	Division of Oversight Services
DPKO	Department of Peacekeeping Operations
DSS	Department of Safety and Security
FAO	Food and Agriculture Organization of the United Nations
IAEA	International Atomic Energy Agency
IAIG	Internal Audit and Investigations Group
IAOD	Internal Audit and Oversight Division
ICAO	International Civil Aviation Organization
IGO	Inspector General's Office
ILO	International Labour Organization
IMO	International Maritime Organization
IOO	Internal Oversight Office
IOS	Internal Oversight Services
ITU	International Telecommunication Union
JIU	Joint Inspection Unit
OAI	Office of Audit and Investigations
OHRM	Office of Human Resources Management
OIA	Office of Internal Audit
OIOS	Office of Internal Oversight Services
OS	Oversight Service
PPS	Professional Practices Section
SRR	Staff Regulations and Rules
TCC	Troops Contributing Country
UNAT	United Nations Appeal Tribunal
UNDP	United Nations Development Programme
UNDT	United Nations Dispute Tribunal

UNESCO	United Nations Educational, Scientific and Cultural Organization
UNFPA	United Nations Population Fund
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNIDO	United Nations Industrial Development Organization
UNOPS	United Nations Office of Project Services
UN-RIAS	Representatives of internal audit services of United Nations organizations
UNRWA	United Nations Relief and Works Agency for Palestine Refugees in the Near East
UNWTO	World Tourism Organization
UPU	Universal Postal Union
WFP	World Food Programme
WHO	World Health Organization
WIPO	World Intellectual Property Organization
WMO	World Meteorological Organization

I. Introduction

1. As part of its programme of work for 2011, the Joint Inspection Unit (JIU) conducted a review of the investigation function in the United Nations system. The review, suggested by both the United Nations Office of Internal Oversight Services (OIOS) and JIU, follows up two previous JIU reports on oversight "Strengthening the Investigations Function in United Nations System Organizations"[1] and "Oversight lacunae in the United Nations system".[2] The investigation function serves as an important component of internal oversight contributing to the system of governance established by Member States. It also forms a critical component of accountability frameworks as it is an integral part of the formal mechanism to assure individual and organizational integrity as well as accountability for decisions taken, actions or omissions committed.

2. The objective of the review is to provide recommendations leading to system-wide coherence and harmonization among the oversight mechanisms and actors of the United Nations system organizations in discharging their responsibilities with regards to investigations. The review covers the United Nations, its funds and programmes, the United Nations specialized agencies and the International Atomic Energy Agency (IAEA). In accordance with the internal standards and guidelines of JIU and its internal working procedures, the methodology followed in preparing this report included a preliminary desk review, questionnaires, interviews and in-depth analysis. Detailed questionnaires were sent to participating organizations. On the basis of the responses received, the Inspectors conducted interviews with officials of participating organizations and also sought the views of a number of other international organizations and private sector experts.

3. In contrast with the oversight lacunae report, the Inspectors have not indicated whether the JIU suggested standards have been met by those organizations that have established an investigation function. Based on interviews and further research, the Inspectors concluded that defining a common standard now is problematic given the nature and complexity of the investigation function in the United Nations system organizations, current caseloads, the very different business practices among the agencies and the still-evolving function in many organizations. At this stage, there is no "one size fits all". The Inspectors acknowledge the "spikes" in the caseloads over the last several years due in large measure to the increased emphasis by organizations on encouraging reporting of suspected wrongdoing. The Inspectors are hopeful, however, that there will be an eventual decrease in investigation caseloads with the institution/reinforcement of accountability frameworks, the establishment of ethics offices, and better dissemination of codes of conduct and staff regulations and rules (SRR) contributing to an enhanced awareness by all staff of what constitutes acceptable conduct.

4. As normal practice, comments from participating organizations on the draft report have been sought and taken into account in finalizing the report.

5. In accordance with article 11.2 of the JIU statute, this report has been finalized after consultation among the Inspectors so as to test its conclusions and recommendations against the collective wisdom of the Unit.

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[1] JIU/REP/2000/9.

[2] JIU/REP/2006/2.

6. To facilitate the handling of the report and the implementation of its recommendations and the monitoring thereof, annex IV contains a table indicating whether the report is submitted to the organizations concerned for action or for information. The table identifies those recommendations relevant to each organization, specifying whether they require a decision by the organization's legislative or governing body or can be acted upon by the organization's executive head and the internal oversight and/or investigation unit head.

7. The Inspectors wish to express their appreciation to all who assisted them in the preparation of this report, and particularly to those who participated in the interviews and so willingly shared their knowledge and expertise.

II. Definitions

A. Investigation and types

Investigation is a legally-based and analytic process designed to gather information in order to determine whether wrongdoing occurred and if so, the persons or entities responsible.[3]

8. Paragraph 2 under "General Principles" of the Uniform Guidelines for Investigations, which apply to all investigations conducted in the international public sector,[4] stipulates that the purpose of an investigation is to examine and determine the veracity of allegations[5] of corrupt or fraudulent practices as defined by each institution including with respect to, but not limited to, projects financed[6] by the organization, and allegations of misconduct on the part of the organization's staff members. All United Nations system organizations characterized investigations as administrative fact-finding exercises, with some considering the terms "investigation" and "fact-finding" as synonymous.

9. Most United Nations system organizations undertake **Reactive** investigations which are instigated in response to reports of allegations or incidents. Some conduct **Proactive** investigations which entail analysis and testing of situations and operations to identify areas of risk for the purpose of developing or improving measures and systems of control that would pre-empt wrongful acts.[7] At the recently concluded 12th Conference of International Investigators (CII), it was acknowledged that agencies should put more emphasis on conducting proactive investigations as a preventative measure. Many shared the opinion that relying only

[3] "Uniform Guidelines for Investigations" endorsed at the 4th Conference of International Investigators (CII), Brussels, Belgium, 2003, section II "Terms used", p. 3.

[4] Pursuant to JIU/REP/2000/9 recommendation 1 for developing and adopting a common set of standards and procedures for conducting investigations in United Nations system organizations, the 4th CII endorsed "Uniform Guidelines for Investigations" in 2003, which were revised by the 10th CII in 2009 (2nd edition).

[5] This may include indicators of fraud or corruption.

[6] This may be applicable to projects executed or implemented by the organization.

[7] JIU/REP/2000/9, para. 11.

on the reporting of an allegation for initiating an investigation is not an effective strategy. Improved information flow, identifying and monitoring allegation patterns, red flags, and actors in particular sectors, regions or countries, may result in indications of wrongdoing, calling for proactive investigation. The Inspectors agree that more emphasis and attention should be devoted to such investigations.

10. The Inspectors learned that internal investigations are considered as "preliminary" in the framework of the internal justice system, mainly vis-à-vis the disciplinary process, because they are conducted before a formal charge is brought. However, the term "preliminary" also has another meaning: it is used to distinguish an early phase of investigative steps referred to variously as a "preliminary assessment", "preliminary review", or "inquiry", before it is decided whether a full or formal investigation should be undertaken. During this preliminary stage, the internal oversight entity assesses whether the reported allegations provide enough or credible indications to launch a full or formal investigation. Many cases stop and are closed with the completion of the preliminary assessment when the findings indicate there is no prima facie case.

B. Scope and nature of an investigation

11. While most participating organizations' definitions of investigation use the term "wrongdoing" to characterize misconduct, the "Uniform Guidelines for Investigations" stipulates that the role of the Investigative Office is to examine and determine whether "Misconduct" occurred; moreover, they define **misconduct** as:

> **A failure by a staff member to observe the rules of conduct or the standards of behaviour prescribed by the Organization.**[8]

12. A staff member's failure to comply with administrative norms of the organization may take several forms; it may be behavioural or related to fraud or other financial irregularities (including corruption, procurement violations etc.). Moreover, due to the nature of their operations some organizations have expanded the scope of their investigations to include also individuals and/or entities with different types of contracts and partnerships with the organization. For example, the United Nations Development Programme (UNDP) Office of Audit and Investigations (OAI) may assess and conduct investigations into allegations of fraud and other financial irregularities, committed by contractors, implementing partners and other third parties, deemed to be detrimental to the organization. OIOS may, as appropriate, investigate the misconduct of Troop Contributing Country (TCC) personnel within peacekeeping or special political missions, in the event that the

[8] "Uniform Guidelines for Investigations", 2nd edition (10th CII, Dead Sea, Jordan, 2009), para. 11, footnote 5, stating that the definition for the organizations of the United Nations system is stipulated in Staff Rule 110.1: "*A failure by a staff member to comply with his or her obligations under the Charter of the United Nations, the Staff Rules or other relevant administrative issuances or to observe the standards of conduct expected of an international civil servant.*"

national Government is unwilling or unable to conduct an administrative investigation into a case of alleged serious misconduct involving troop personnel.[9]

13. If the investigation findings conclude that there may have been a violation of criminal law, the investigation results may be communicated and shared with the competent national authorities where the alleged crime took place. The decision to refer the investigated case or not to national authorities lies with the executive heads; in the case of the United Nations funds and programmes, the decision rests with the United Nations Secretary-General.

III. Structure of the investigation function

A. Responsibility and authority for investigation function

14. The increased importance, cost and complexity of United Nations activities since the mid-1990s, coupled with an emphasis on the responsibility for staff and all stakeholders to report fraud, corruption and misconduct, has led most United Nations organizations to take significant steps to establish or build upon their internal investigation functions. The United Nations OIOS was established in 1994 with a mandate to, inter alia, conduct investigations. A number of United Nations Funds and Programmes have established their own internal oversight entities and have created separate investigation units within their oversight services. The United Nations Children's Fund (UNICEF) and the United Nations Office for Project Services (UNOPS) have created investigator posts within their internal oversight entities. With the exception of the United Nations World Tourism Organization (UNWTO), which has yet to establish an internal oversight entity, most of the specialized agencies and IAEA now have specific authorized investigation functions, with the International Labour Organization (ILO), Food and Agriculture Organization (FAO), United Nations Educational, Scientific and Cultural Organization (UNESCO), and World Intellectual Property Organization (WIPO) having established separate investigation units within their internal oversight entities. The United Nations Industrial Development Organization (UNIDO) and the World Health Organization (WHO) have a dedicated investigator post within their oversight entities.

B. Problems of fragmentation

15. The earlier JIU report on strengthening the investigation function found, as confirmed by the oversight lacunae report, that despite increasingly clear mandates assigning the investigation function to internal oversight entities, few United Nations system organizations had placed full responsibility for the investigation function in these oversight entities.

16. Reviewing the situation six years on, the situation has improved; many organizations have now consolidated responsibility for the investigation function in one single entity, i.e., the respective internal oversight entity which is formally mandated to conduct investigations in the organization. UNDP, UNICEF, the Office of the United Nations High Commissioner for Refugees (UNHCR), UNOPS, and the

[9] A/61/19 (Part III), Article 7 quarter, para. 3 (a), p. 3.

World Food Programme (WFP) have a consolidated investigation function. The World Health Organization (WHO) has recently subsumed harassment cases within its Internal Oversight Services (IOS). WHO officials reported that previous authority allowing the Heads of Regional Offices to conduct investigations has been rescinded, with agreement that all misconduct investigations will be undertaken by or under the leadership of IOS.

17. In the United Nations many actors share responsibility for investigations: OIOS, security services, heads of offices and programme managers, and the Office of Human Resources Management (OHRM). In response to a request by the General Assembly to look into this matter, a task force was set up to "review the types of investigations being conducted in the Secretariat; make suggestions on the need to improve systems; examine steps that would be required to implement change; and prepare the terms of reference that had been requested by the General Assembly in its resolution 62/244"[10] regarding a comprehensive review of the investigation function in the United Nations.[11] The review is ongoing and OIOS is conducting an assessment quantifying how such a consolidation can be translated into figures and caseload, prior to deciding on its feasibility.

18. The main argument heard from both management and investigators defending fragmentation in their respective organizations, particularly in cases where workplace harassment and abuse of authority cases are assigned to lay panels set up mainly by the human resources entities, is that these cases are never purely harassment cases: they are mostly interpersonal and performance-wrapped cases, which surface as problems only when underperformance becomes an issue. Some organizations argue that these are simply "workplace grievance issues" which need to be sorted out by the parties concerned and not by professional investigators. Some supporters of such arrangements find sufficient the two-day training on investigations provided to regular staff members who volunteer to become members of these panels, especially if they have relevant professional backgrounds or functions, e.g., legal. The Inspectors strongly disagree and believe that the alleged victims, the Organization as a whole and staff suspected of such wrongdoing should benefit from a professional and thorough investigation by competent and trained investigators; a two-day training workshop, possibly held years before, is not at all sufficient and does not ensure an informed, fair and impartial investigation. Moreover, having management conduct investigations is problematic, as ultimately they are responsible for defending the interests of the organization, not the individual.

19. Allegations relevant to personnel matters, such as promotions, contract renewals, allowances (except for entitlement fraud), etc., are management, not misconduct, issues and therefore should not rise to the level of a formal investigation. Instead they should be examined through informal mechanisms available for such types of conflict: ombudspersons, arbitrators, staff counsellors, mediators, etc. Should the issue not be resolved through these informal mechanisms, with one party raising the spectre of serious misconduct, then and only then, the Inspectors believe, should the matter be referred for formal investigation.

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[10] Report of the Independent Audit Advisory Committee on the Activities of the Independent Audit Advisory Committee for the period from 1 August 2010 to 31 July 2011 (A/66/299), para. 44.

[11] A/62/582.

20. All interviewees agreed that "routine" investigations stemming from safety- and security-related matters, e.g., traffic tickets, lost badges, minor theft, protection issues, safety and security of premises, staff and property, belong to the safety and security services. As the first United Nations officials on the scene, security officers normally undertake an initial fact-finding "investigation" to make a preliminary assessment of the situation. If during the initial fact-finding indications emerge that serious misconduct may have occurred, security officers are instructed to inform their respective internal oversight entities that a formal investigation is warranted; such an investigation should then be undertaken by the oversight entity, not the security services. In the United Nations Secretariat, however, the Inspectors found that security officers in the field were asked to conduct full formal investigations into serious misconduct cases, independently of OIOS, when OIOS did not have the resources or time to do so.

21. In view of the seriousness of the investigative process and its decisive role in the administration of internal justice, staff members view the discharge of the investigation function to be of great importance. They have expressed the wish that all be treated equally and face the same investigation standards, and that misconduct cases should be dealt with by professional investigators. They are concerned, as are the Inspectors, that **investigations conducted by non-professional investigators and/or entities which are not independent but are part of management, can result in conflicts of interest, information not being handled properly, an uneven application of standards, and problems with due process, as well as cases being "dropped" or taking undue time to complete.**

22. Further, some staff have mentioned as an obstacle to equal treatment the role that staff seniority, category and level play in some organizations in the screening and prioritizing of a case at the intake stage. The significance accorded to seniority in either classification or prioritization of a case and its subsequent investigation by professional investigators is perceived by staff as discrimination and privileged treatment of senior professional staff vis-à-vis other categories and levels. The argument offered in defence of the distinction made is that with seniority come higher authority, responsibilities and thus higher risks for the organization. The Inspectors are not convinced by this distinction and believe that all staff should be treated equally.

23. The Inspectors believe that the argumentation for consolidating investigations in the internal oversight entity is compelling and that this should be done urgently in the interests of fairness to all staff and stakeholders in the conduct of formal investigations. As and where appropriate, changes to administrative issuances, existing regulations etc. will be required. The Inspectors fully understand that the requisite resources must be provided to effect any such consolidation.

24. The implementation of the following recommendation is expected to enhance the effectiveness of the investigation function in United Nations system organizations.

Recommendation 1

Executive heads who have not yet done so should direct that all investigations be consolidated in the internal oversight entity of each organization. Requisite resources (human and financial) should be provided for the effective discharge of the investigation function on the basis of the recommendations of the organization's audit/oversight committees.

IV. Independence of the investigation function

A. Problems with internal oversight budget approval

25. The Inspectors continue to believe that the internal oversight entities themselves should formulate their own draft budgets, on the basis of their professional judgment, as to the resources needed for audit, inspection, investigation and evaluation. These estimates, unchanged by the executive head, should form part of the executive heads' overall proposals to the legislative body. As currently set up, no oversight entity is free to decide on its budgetary requirements; oversight entities are subject to the same budget policies as any other entity within the Secretariats. The Inspectors believe this seriously compromises the independence of the oversight function, including investigations. As noted in the oversight lacunae report, "*budgetary requirements of the internal oversight unit remain the subject of scrutiny and control by managers in other functional areas such as budget and finance, and ultimately by the executive head.*"[12] Despite the establishment in a number of organizations of audit/oversight committees which make recommendations to the governing bodies on the level of resources necessary for internal oversight, it remains the prerogative of the executive heads to determine the resources for internal oversight that will be included in the budget request.

26. **The Inspectors recall recommendation 9 of the oversight lacunae report, which called on the legislative bodies of each organization to "*decide that the proposed budget of the internal oversight entity should be drawn up by the entity itself and submitted to the audit/oversight committee, together with any comments of the executive head, for review and transmittal to the appropriate governing body.*" The Inspectors urge the legislative bodies to act expeditiously to approve, and the executive heads to implement, the said recommendation.**

B. Problems with hiring and firing of internal oversight staff

27. The internal oversight entities are conceived as entities designed to provide independent, objective assurance and assist the executive heads in fulfilling their internal oversight responsibilities. They exercise operational independence, while remaining under the functional authority of the executive heads of each organization.

[12] JIU/REP/2006/2, para. 38.

28. The Inspectors note that the heads of internal oversight do not exercise full managerial responsibility and control over their human resources and thus do not enjoy full operational independence in practice. In its report "The Audit Function in the United Nations system", the Inspectors noted a number of cases of interference in the staff selection process for the internal oversight function.[13] They felt that "*... the selection and promotion of audit staff must be run independently, but fairly and transparently, from the administration and management of the organization, albeit respecting the organizations' established policies.*" They recommended that the audit/oversight head be entrusted with full authority to select and appoint his/her staff. The argumentation/recommendation is not limited to the audit staff but is in fact applicable to the selection and promotion of all staff of the internal oversight entity, i.e., the investigation, inspection and evaluation staff as well.

29. The Inspectors note that this recommendation is the same as that in the JIU report on the Audit Function,[14] but geared to investigators. In the Note by the Secretary-General transmitting to the members of the General Assembly his comments and those of the United Nations System Chief Executives Board for Coordination (CEB) on the Audit Function, "... agencies suggested that audit recruitment, transfer and promotion actions should be subject to the same controls used to achieve the objectives for all other staff members ... The controls **should be designed** [emphasis added] with due regard for selection of auditors and other categories of staff in functions that are independent of the rest of the organization."[15] **The Inspectors conclude that this is an inherent recognition of the need to redesign existing controls to take into account the need for independence of the internal oversight function and by extension, in the Inspectors' view, non-interference in this function by management.**

30. The implementation of the following recommendation is expected to enhance the effectiveness of the investigation function in United Nations system organizations.

Recommendation 2

Executive heads of United Nations system organizations should ensure that investigation staff are selected in accordance with staff regulations and rules, on the basis of merit, professional investigator qualifications and experience as the main selection criteria. These staff should be selected independently of management and administrative influence, so as to ensure fairness and transparency, increased effectiveness and independence of the investigative function.

[13] JIU/REP/2010/5, para. 54.
[14] JIU/REP/2010/5, recommendation 4, p. 14.
[15] A/66/73/Add.1, para. 9.

C. Problems with mobility

31. The Inspectors found no restrictions that would preclude staff members of the internal oversight entities from applying for, and being accepted if qualified for, positions in different occupational groups and career paths within the organization where they serve as investigators. Most of those interviewed felt that the unrestricted ability of investigation staff to move to other functions within an organization was problematic, as it could affect their objectivity and impartiality in discharging their responsibility in internal investigations. There is a risk that investigators may be negatively influenced or even manipulated in performing their duties by individuals who may become their direct supervisors or play a role in their career advancement in the future.

32. The problem is exacerbated in those organizations with mandatory mobility policies. UNHCR operates under a mandatory rotation scheme for all staff, including its Investigation Service, except for the post of "Senior Investigation Specialist", a position created to, inter alia, train rotating staff into the Inspector General's Office (IGO) investigator positions. The Inspectors note that such training cannot and does not substitute for the need for the investigation function to be staffed by fully trained professionally qualified investigators. Some UNHCR staff believe that the IGO cannot be considered an independent entity as long as its investigators are regular UNHCR staff members, who rotate among the colleagues they were investigating and interviewing during their service with IGO; this makes them vulnerable and subject to various influences at many levels. WFP also has a mandatory rotation policy but has excepted investigators from mandatory rotation by exceptionally applying to them an "extended mobility status" arguing that these positions require highly technical or specialized qualifications.

33. The Inspectors believe mobility of investigators should be encouraged via transfers or secondments to the investigative services of the various United Nations system organizations.

34. The implementation of the following recommendation is expected to enhance the effectiveness of the investigation function in United Nations system organizations.

Recommendation 3

Executive heads should discontinue mobility for investigators within the same organization and encourage the transfer and/or secondment of investigative staff to the investigative services of other United Nations system organizations.

D. Executive heads and the investigation function

35. The Inspectors believe another key element of independence is the right of the head of the internal oversight entity to have unfettered access to the external auditors, the independent audit/oversight committees, and the relevant legislative bodies. This reporting/access is particularly important should major disagreements occur between the internal oversight entity and the executive head with respect to

investigation findings. The Inspectors found that executive heads are able to make use of the investigation reports' findings, conclusions or recommendations in the way they judge best, which, in a worst case scenario, could include concealing evidence and/or burying the findings. The remedy proposed is for the head of the oversight entity to report any disagreement he/she may have with the executive head to the audit/oversight committee in addition to reflecting it in his/her annual report to the governing bodies. Audit/oversight committees may take note of such a disagreement and, while they cannot compel the executive head to take any action, they may nevertheless also report the disagreement, through their own reports, to the governing body themselves, thereby placing the responsibility for action squarely on the Member States. In all organizations the fact-finding investigation is a separate activity from the decision to charge or decide on an appropriate sanction. This may involve decisions being made or influenced by individuals other than the executive head. Full reporting on the results of investigations substantiating misconduct along with action taken by management to address the misconduct (i.e., sanctions) should be reported to governing bodies.

36. With specific respect to investigations regarding executive heads, such matters should preferably be referred to a separate entity for an independent investigation, e.g., the JIU. Regarding the disposition of the investigation, an example of best practice is the WIPO draft Investigation Section Policy of August 2010, paragraph 23, which states that: "*Should the investigation concern the Director General, the final report shall be submitted by the Director, IAOD, to the Chairman of the WIPO Assemblies, for any action deemed appropriate, and copied to the Chair of the Audit Committee and the External Auditors of the organizations.*" **The Inspectors believe all organizations should adopt, as appropriate, a similar policy.**

37. The Inspectors are aware of only two United Nations organizations, UNESCO and the International Telecommunication Union (ITU), where no investigations can be opened in the absence of the executive head's explicit approval or specific instruction. The Inspectors can find no justification for this and consider it an unacceptable and most serious impediment to the independence of the function for both organizations. While to date neither organization's executive head has exercised this particular authority, the problem should be corrected urgently given the very obvious implications of what it entails or might entail.

38. The implementation of the following recommendation is expected to enhance the effectiveness of the investigation function in United Nations system organizations.

Recommendation 4

The legislative bodies of United Nations system organizations which have not yet done so should direct their executive heads to ensure that internal oversight entities or investigation units are authorized to initiate investigations without the executive head's prior approval.

V. Managing investigations

A. Policies and procedures

39. The heads of the internal oversight entities and of separately established investigation units have responsibility for managing the overall investigative workload for which they are responsible. Clear policies and procedures are essential as is the necessity for providing investigators with the tools necessary to do their job. All United Nations system organizations surveyed felt they had the necessary tools. But the policies, procedures and operational practices within and among organizations differed significantly.

40. Some of the larger United Nations system organizations have intake committees designed to determine the workload priority. Others, given their size and staffing, do not, and these activities are performed by the head of the internal oversight entity. The OIOS also has a Professional Practices Section (PPS) to assure the quality of the resultant investigation (see para. 65 below).

41. Most organizations have hotlines, some of which are outsourced on a 24/7 basis and are capable of responding in a variety of languages, while other organizations have none. Some organizations clearly indicate where and how to report wrongdoing on their websites, others do not. Very few internal oversight entities post the investigation process on their website, explaining it in a concise manner, so staff members can be informed at a glance.

42. One large organization has cameras installed throughout its internal oversight office. This is a major deterrent to staff wishing to report and discuss wrongdoing with the investigators. **The Inspectors believe the cameras should be deactivated during business hours.**

43. All United Nations system organizations' internal oversight services rely on the Uniform Guidelines for Investigations adopted and updated at the 4th and 10th Conference of International Investigators respectively, to guide and orient their investigative work.[16] These guidelines, however, are broad and principle based. Most organizations have promulgated investigation manuals based on the guidelines and reflecting the policies and procedures established by the organizations. The manuals regulate the intake of cases, explain case management and prioritization criteria used, investigation methods, workflow and evidence handling, i.e., the entire investigation process (from the reporting of an allegation to the closure of a case) as well as a staff member's rights and obligations vis-à-vis a formal investigation. The manuals serve as guidance not only to the investigators but also to the other parties of an ongoing investigation in an organization.

44. Professional guidelines on how to treat sources of information, subjects and witnesses, or the handling, storing and safeguarding of evidence, have been introduced in most, but not all, internal oversight entities; for investigations conducted by other entities within an organization, the same professional standards are not observed and there is no quality assurance.

45. Of particular importance is the need for internal oversight entities, as well as others conducting investigations, to follow closely the jurisprudence of the

[16] "Uniform Guidelines for Investigations" (4th CII, Brussels, Belgium, 2003).

administrative tribunals as regards due process, due diligence, burden of proof issues and other issues related to carrying out investigations. A number of organizations expressed concern, however, that the process for documenting United Nations Dispute Tribunal (UNDT) and United Nations Appeal Tribunal (UNAT) judgments is not effective. As there is no capability for sorting UNDT and UNAT judgements by subject, considerable time and effort must be spent within and among United Nations organizations reviewing individual tribunal judgements, which wastes resources. The Inspectors raised this issue with a registrar of a United Nations dispute tribunal, who acknowledged that there was room for improvement. As UNDT and UNAT are still in their infancy, their emphasis has been on clearing the backlog of cases inherited from the old United Nations Administration of Justice system. **The Inspectors call upon all United Nations administrative tribunal registrars to consider how best to accommodate organizations' needs with regard to documenting tribunal judgments, with a view to ensuring more transparency and accessibility to United Nations tribunals' jurisprudence.**

46. While this review does not focus on internal operational policies and procedures for actually conducting investigations, the Inspectors nevertheless feel compelled to flag a major concern raised by staff representatives in interviews for this report — that of how interviews are conducted. Most investigation procedures call for two investigators to interview a sole staff member. **Staff indicated that they would like an observer or representative of their choosing to be present during interviews.** Many investigators agreed with this, yet few internal oversight entities allow the presence of an observer. Where an observer is allowed, in most cases this is an option decided by the investigator and not by the subject of the investigation. Staff and also many investigators felt that audio- or preferably video-recording of interviews should be the norm and could possibly substitute for having staff representatives or even two investigators present. The Inspectors agree.

47. In the JIU 2000/9 report the Inspectors observed the need for frequent and organized interaction among United Nations system organizations with respect to investigations. They indicated that such cooperation could include the development of common standards and procedures for conducting investigations, the sharing of expertise to be drawn upon when advice or assistance is required, the sharing of methodologies, developing joint training opportunities, exchanging personnel (e.g., on secondment) leading to a system-wide approach to investigations and the undertaking of joint investigations, especially for multi-agency field-based activities. The Inspectors believe these observations remain relevant and would also note the importance of identifying cases of common interest, particularly when multiple agencies are investigating the same vendor or issue in a country.

48. The Inspectors note that in 2011 an informal forum was held the day before the annual Conference of International Investigators at which United Nations system organizations' heads of oversight entities met to discuss mutual issues of concern. The Inspectors believe this excellent practice should be institutionalized as a sub-group of the Conference of International Investigators (UN-CII), whose membership would consist of the heads of the internal oversight entities and their senior professional investigation practitioners. This would be similar to the United Nations internal audit forum (known as UN-RIAS) which was established in the framework

of the Representatives of the Internal Audit Services (RIAS).[17] UN-CII would deal with matters of specific concern to their members and the United Nations system, and work on harmonization of the investigation functions as well as issues noted throughout this report.

49. Implementation of the following recommendation is intended to result in the dissemination of best practices and enhanced coordination and cooperation.

Recommendation 5

The Conference of International Investigators should establish a United Nations system sub-group, similar to that of UN-RIAS.

B. Budget and staffing of the investigation function

50. The adequacy and efficiency of the internal oversight services depend on the commitment of both the executive heads and the Member States and the resources they make available to the internal oversight entities.

51. Adequate staffing calls for adequate resources to be allocated to the investigation function. In 2010, the level of the internal oversight budget in relation to the total budget in each organization ranged from a high of 1.2 per cent (WMO) of the total budget down to a low of 0.04 per cent (UNWTO). Furthermore, the level of the investigation function's separate budgetary allocation in relation to the total oversight budget in each of the internal oversight entities ranged from a high of 38 per cent (WFP) down to 6.7 per cent (UNESCO); while in seven large United Nations system organizations with dedicated professional investigations capacity, there was no separate budgetary allocation for investigations (UNICEF, UNHCR, UNRWA, ILO, FAO, WIPO, UNIDO). (Annex III). The percentages are not comparable as some internal oversight services include evaluation, others do not, and some investigation functions are currently fragmented in some organizations.

52. The Inspectors have made clear their view of the need to consolidate all investigations within each organization's internal oversight entity. One way to capitalize the consolidation is to transfer to the internal oversight entity resources currently allocated to or utilized for investigations by other entities in the organizations. But presently this is problematic as the Inspectors were informed that where multiple actors conduct investigations, no statistics are kept as to human and financial resources allocated to various investigative activities throughout the organization. Thus, the overall cost and caseload of investigations in many organizations is unknown and quite likely badly underestimated. In the United Nations a study is currently under way to identify resources used elsewhere in the organization and it remains to be seen whether a fully staffed OIOS Investigations Division could accommodate the additional workload within existing resource levels, particularly once planned efficiency measures have been implemented.

[17] Representatives of Internal Audit Services of the United Nations system organizations, Multilateral Financial Institutions and Other Associated Intergovernmental Organizations.

53. The Inspectors continue to believe that it is difficult to justify an investigative capacity for some of the very small organizations, and suggest that a joint or shared investigations unit could be established, for example, for UPU, ITU, WMO, IMO, ICAO and UNWTO. Alternatively these organizations could "in-source" this function to any other organization willing and able to provide investigation services for them.

54. Having examined organizations' internal investigations caseloads, and recognizing the rapidly evolving investigatory environment — at headquarters, regions and field duty stations — as well as the increasing complexity of the cases, the Inspectors believe the staffing standards of 2006 need to be revisited. The Inspectors recognize that there have been, and that there will continue to be for the foreseeable future "spikes" in the investigation caseload, not least resulting from an increased awareness of and emphasis on the reporting of suspected wrongdoing. With the institution/reinforcement of accountability frameworks, the establishment of ethics offices, better dissemination of the code of conduct, staff regulations and rules, the Inspectors are hopeful that investigative caseloads will decline in the long run. However, for the present, it is important that adequate and appropriate resources be devoted to this ever-increasing function. The Inspectors conclude that legislative bodies should review the adequacy of resources and staffing standards, including the use of consultants, for the investigative function, on the basis of the recommendations of the respective audit/oversight committees on an annual or biennial basis depending on the organizations' budget cycle.

55. Implementation of the following recommendation is intended to result in enhanced controls and compliance.

Recommendation 6

The legislative bodies of United Nations system organizations should review the adequacy of resources and staffing of the investigation function on the basis of the recommendations of the respective audit/oversight committees either annually or biennially depending on the organizations' budget cycle.

C. Competence of investigators

56. One of the objectives of the review was to see whether the organizations' capacity to conduct investigations has been strengthened and improved during the last decade. The Inspectors are pleased to note that significant progress has been made, with the gradual establishment of separate investigation units within the internal oversight entities. Also, the functional title "Investigator" (or similar), which was a rarity 11 years ago, has expanded and is now broadly used in job descriptions and/or job classifications.

57. As of 2011, six out of the 21 Secretariats reviewed (ICAO, UPU, ITU, WMO, IMO, and UNWTO) do not have an investigator post. Fifteen organizations recruit and employ staff members with the functional title "Investigator". The vast majority of "Investigator" job descriptions in these organizations specify an advanced university degree in law or a related discipline as the minimum education

requirement for the professional investigators they hire.[18] Most of these job descriptions make clear reference to investigatory training and experience, including in law enforcement or other legal activities.

58. Five organizations list additional requirements needed, but these more closely fit the profile of a professional "Auditor", such as studies in accounting and auditing, or certifications that only a qualified auditor normally acquires. One organization confirmed that the investigator they hired as the chief of their investigation division is not a professional investigator, but a chartered accountant who is studying to obtain a certified fraud examiner qualification. A sixth organization omits any mention of a need for a university degree in law or investigative work experience for the head of unit, while among the competencies it is clearly stated that the incumbent will have to provide technical advice in this area to his/her supervisees.

59. While acknowledging that there is some overlap between the role of the investigator and auditor there remain very important differences and the training for each is quite different. Investigators look at the responsibility of individuals and gather evidence forensically to form the basis of disciplinary, administrative or criminal action while auditors look at systems and processes. Investigators identify and obtain all relevant information and evidence to establish facts relevant to an allegation, resulting in the facts being confirmed or refuted. The investigation process uses forensic methodology allowing evidence gathered to be relied upon by a United Nations system administrative tribunal, a national court or other decision maker and as a properly evidenced basis for administrative or other action to be initiated. The investigation is also conducted in such a way as to comply with procedural fairness, confidentiality and other generally accepted best practice principles. The skill set for investigators in international organizations is normally acquired through law enforcement experience or a legal education.

60. Auditors perform a systematic process of objectively obtaining and assessing information relating to financial or other systems and processes to provide a reasonable level of assurance as to the existence, adequacy and effectiveness of controls. Auditors usually have an educational and training background in finance, accounting or business administration in general.

61. While some auditors/accountants continue to see audits and investigations as synonymous, most accepted the differences between the two functions and acknowledged the need for the investigation function to be staffed by professionally qualified investigators. The Inspectors agree.

62. Internationally there are not as yet any effective training courses to equip someone without prior experience for the role of investigator. More training opportunities should be sought on a regular basis covering all types of cases encountered by organizations: workplace harassment, abuse of authority, sexual exploitation and abuse, technical procurement issues, corruption, fraud, IT issues etc. A number of those interviewed suggested that courses leading to a professional certification for investigators should be developed and that the International Anti-Corruption Academy (IACA) might be a place to start. The Inspectors agree and would suggest that this could be a topic for discussion at the annual Conference of

[18] Alternatively, a first level university degree in combination with qualifying experience in lieu of the advanced degree.

International Investigators, which provides an excellent opportunity for face-to-face interactions and a platform for exchange of ideas for the community of professional investigators.

D. Need for centralized follow-up and monitoring of investigation reports

63. With the completion of an investigation, the issuance of a report with findings, conclusions and/or recommendations, and the submission thereof to the competent authorities, all internal oversight entities cease any further action. Responsibility for taking appropriate action emanating from the investigation report shifts to programme managers in some cases, or human resources, legal and/or the executive head to determine what action is to be taken, including administrative or disciplinary measures to be imposed. The Inspectors, particularly in agencies where investigations are conducted by multiple actors, could find no centralized authority tasked with monitoring and following up investigation reports to see if action was taken and if so, whether the action was proportional to the "offence". The Inspectors believe this is a major lacuna which should be corrected as it can and does lead to cases not being acted upon, intentionally or not. It may also lead to unequal treatment of staff who commit similar offences but do not receive similar sanctions. **The Inspectors conclude that a focal point should be designated and tasked with this responsibility for the organization as a whole.** The focal point will be required to sign an oath of confidentiality. Regardless of where the focal point is located, it will be imperative that he/she works in close cooperation with human resources, legal services, the internal oversight entity and other offices as appropriate. Monthly status reports should be sent to the internal oversight entity and other parties concerned, bearing in mind the requirement to be bound by confidentiality agreements. The focal point would also be responsible for ascertaining that the investigation results, along with action taken by management to address the misconduct (i.e., sanctions) are posted on the organization's website for the information of all staff in a manner that respects the confidentiality of those involved.

64. Implementation of this recommendation is expected to result in enhanced controls and compliance.

Recommendation 7

Executive heads should designate a central focal point to monitor the implementation and follow-through of all investigation reports within their organizations.

E. Quality assurance of the investigation function

65. In most organizations, the responsibility for monitoring and providing quality assurance for investigations conducted and reports produced rests with the director of the internal oversight entity. In OIOS, draft investigation reports are submitted to its Professional Practices Section (PPS) for quality assurance. Each report is

assigned both to a screener, who ensures the report conforms to report writing guidelines, and to a reviewer, for editorial, factual and legal review. However, for investigations conducted by others in the United Nations Secretariat, for example by sexual harassment panels, there is no quality assurance or review. The Inspectors would like to see professional practices sections in all organizations but recognize that at present it is not feasible given human and financial resource constraints.

66. The Inspectors consider it a necessity to have a formal quality assurance and improvement programme, i.e., an ongoing and periodic assessment of the quality of the investigative activity or function in all organizations. **The Inspectors reiterate JIU recommendation 13 of the oversight lacunae report, that "the legislative bodies in each organization should direct their respective executive heads to ensure independent quality assessment, for example through peer review, of the internal oversight entity, at least once every five years".**

F. Relationship of the investigation function to audit/ oversight committees

67. The role of the audit/oversight committee was discussed extensively in the JIU report on The Audit Function in the United Nations system, as well as in the oversight lacunae report, which proposed a model for external oversight boards for United Nations organizations that would oversee the performance of all internal oversight functions. The main focus of the audit/oversight committees established to date has been on audit activities, although they are increasingly addressing other oversight functions. The terms of reference (TOR) of some committees, however, make no reference at all to the investigation function. Instead they call for review, inter alia, of financial statements, significant financial reporting policy issues, and the adequacy of internal controls and risk management systems. **The Inspectors believe that there is a need to revise and update the TORs to specifically incorporate their responsibilities for all elements of internal oversight.** While these committees do not set standards, but rather review what the standards should be, they can and in fact do provide valuable and very pertinent advice and guidance on the effectiveness of oversight activities, including the investigation function.

VI. One United Nations system investigation unit

68. The issues identified in this report are many: a wide disparity of resources available for investigative functions/activities, vague or non-existent standards in some organizations, lack of consistent policies and procedures, a lack of professional investigators, the fragmentation of investigative responsibility in many agencies, a lack of independence, the lack of training, and no consistent follow-up or monitoring of investigation reports. All these issues result in a fundamental disservice to and an uneven application of investigative policies and practices within and among agencies for all stakeholders in the United Nations system: stakeholders who are entitled to and should be accorded the same rights across the system.

69. The Inspectors believe that the roots of many of the issues lie in organizational "cultures", and result from a limited interest on the part of some in top management as well as entrenched bureaucracies resistant to change. Member States also bear

some responsibility in not providing needed resources as investigation activities may not be high among their funding priorities.

70. The observations and recommendations suggested to address these issues will provide a stop-gap measure only. Recommendations will be implemented piecemeal within and among agencies and the disparities across the board will remain: staff and all stakeholders will continue to be treated unequally throughout. The Inspectors believe that there is a need for a comprehensive system-wide solution that will solve most of these problems for the longer run and one which will pertain equally to all and is in keeping with the spirit of "One UN".

71. **The Inspectors believe the solution lies in consolidating all investigative functions/activities into one jointly funded independent entity serving all United Nations system organizations.** From an administrative and substantive standpoint, the benefits are clear and have been referred to above: benefit to small agencies without investigative capacity, harmonization of business practices, common standards and procedures in conducting investigations, specialized expertise to handle most problems that arise, professional investigative staff, staff promotion opportunities, etc. The Inspectors understand that it will be necessary to change existing regulations and rules to accommodate such a change. The Inspectors envisage current investigation staff being transferred to the new entity. In the short run those undertaking the investigations should be familiar with their respective organizational mandates, risks, partners, etc. Though not insurmountable, the details of such an undertaking would be very complex.

72. The Inspectors believe a joint task force composed of professional investigative practitioners from all United Nations system organizations, assisted by legal and other representatives as necessary, should be established to consider how best this can be accomplished and how, operationally, such an entity would serve the needs of all stakeholders and the system as a whole. The joint task force should be convened under the auspices of CEB and should come up with its findings, conclusions and recommendations by no later than the end of December 2013 for presentation to the legislative bodies.

73. The implementation of the following recommendation is expected to enhance the effectiveness of the investigation function in United Nations system organizations.

Recommendation 8

The Secretary-General, under the auspices of CEB, should set up an inter-agency task force that will develop options for establishing a single consolidated United Nations system Investigation Unit by the end of December 2013 for presentation to the legislative bodies.

Annex I

Authority and scope of the investigation function

Organization	*Formal investigation function (Yes/No)*	*Authority mandating oversight entity to conduct investigations*	*Scope of function*	*Other entities conducting formal investigations**
UNITED NATIONS, ITS FUNDS AND PROGRAMMES				
United Nations	Yes	OIOS: – A/RES/48/218 B (12 August 1994) and – ST/SGB/273 (7 September 1994)	– Violations of the United Nations regulations, rules and relevant administrative issuances. – Fraud and corruption involving United Nations contracts or other agreements. – Under restricted procedures as mandated by A/61/19 (Part III), improper conduct of Troop Contributing Country (TCC) personnel within peacekeeping and special political missions – OIOS mandate extends to all categories of staff including United Nations staff members, United Nations volunteers, contractors, military observers and civilian police personnel.	– DM/OHRM: has a very limited investigative function for harassment, sexual harassment and abuse of authority complaints where the allegations are directly against a Head of Office or Department; – Heads of Office and Programme Managers: set up *ad hoc* panels of staff (handled by OHRM) for investigation of routine misconduct cases, including harassment, sexual harassment and abuse of authority. OHRM holds a list of staff trained by OIOS to conduct harassment/abuse of authority investigations. (ST/AI/371 and its amendment; ST/SGB/2002/7, ST/AI/2004/3 and ST/SGB/2008/5) – DPKO/DFS: (a) Boards of Inquiry: investigate responsibility for field missions property and protection of field mission and its staff members; their findings may indicate misconduct (SOP 1 March 2011);

Organization	*Formal investigation function (Yes/No)*	*Authority mandating oversight entity to conduct investigations*	*Scope of function*	*Other entities conducting formal investigations**
				(b) Field Missions' Safety and Security Services (SSS) Special Investigation Units (SIU): investigate routine misconduct; occasionally, they are entrusted with serious misconduct cases (mandated by G.A. resolutions on the Field Mission concerned). – DSS: (a) United Nations Headquarters Special Investigation Unit; (b) Offices away from Headquarters (OAHs), Regional Commissions. (ST/SGB/1998/11)
UNDP	Yes	OAI: – Charter of the Office of Audit and Investigations – UNDP Legal Framework for Addressing Non-Compliance with United Nations Standards of Conduct – Protection against Retaliation Policy	– Allegations of misconduct, such as fraud, theft and embezzlement, corruption, abuse of privileges and immunities, sexual exploitation and sexual abuse, workplace harassment and abuse of authority, retaliation on whistleblowers, or other acts or omissions in conflict with the general obligations of staff members that involve UNDP staff and other personnel; – Allegations of fraud and other financial irregularities committed by contractors, implementing partners and other third parties, deemed to be detrimental to UNDP	

Organization	*Formal investigation function (Yes/No)*	*Authority mandating oversight entity to conduct investigations*	*Scope of function*	*Other entities conducting formal investigations**
UNFPA	Yes	DOS: – UNFPA Fraud Policy; the Charter of the Division for Oversight Services; – the Division for Oversight Services Terms of Reference	– All allegations of misconduct except abuse of authority and harassment	– Human Resources: abuse of authority, harassment or sexual harassment
UNICEF	Yes	OIA: – OIA Charter of Authorities and Responsibilities of 12 April 2011	– Suspected or known fraudulent activities following the *Procedures for Reporting and Addressing Complaints and Allegations of Fraud, Corruption and Other Misconduct Involving UNICEF Staff*, including harassment, sexual harassment and abuse of authority	
UNHCR	Yes	IGO: – UNHCR Inter-Office Memorandum 054/2005 of 3 November 2005 on the role and functions of the IGO	– Possible misconduct involving any person having a direct link with UNHCR, including staff members, consultants, interns and persons deployed to UNHCR offices under agreements with third parties, and UNHCR implementing partners	

Organization	*Formal investigation function (Yes/No)*	*Authority mandating oversight entity to conduct investigations*	*Scope of function*	*Other entities conducting formal investigations**
UNRWA	Yes	DIOS: – Organization Directive 14	– All allegations and complaints about possible violations of the Agency's regulations, rules and other pertinent administrative issuances, fraud, theft, misconduct, mismanagement, corruption, misappropriation, waste of resources and abuse of authority irrespective of their origin or initial point of receipt within the Agency	– Field Directors: routinely assign the investigation of allegations of misconduct to non-professional staff employed in other functions within those fields. These individuals come from a variety of backgrounds. There are no terms of reference for these individuals.
UNOPS	Yes	IAIG: – Internal Audit and Investigations Group Charter, para. 6	– Misconduct, such as mismanagement, fraud, corruption, retaliation on whistleblowers, abuse of authority, sexual harassment, workplace harassment, violation or wilful disregard of UNOPS regulations, rules and other administrative instructions (including the Standard of Conduct for the International Civil Service), that involve UNOPS personnel, contractors and other applicable persons, in accordance with relevant Organizational Directives	

Organization	*Formal investigation function (Yes/No)*	*Authority mandating oversight entity to conduct investigations*	*Scope of function*	*Other entities conducting formal investigations**
WFP	Yes	OS: – Financial Regulation 12.1; – Charter of the Oversight Services Division (OS) (Executive Director's circular 2005/007 of 28 July 2005) – Charter of the Office of Inspections and Investigations (OSI) (issued as an internal administrative memorandum is aligned with the OS Charter)	– Allegations of irregularities (fraud, waste, malfeasance, abuse of authority, etc.)	
SPECIALIZED AGENCIES AND IAEA				
ILO	Yes	IAO: – Staff regulations Financial rules – IAO Audit Charter	– Fraud, presumption of or attempted fraud	– Human Resources: "workplace grievances" to include misconduct, harassment, abuse of authority, sexual harassment
FAO	Yes	AUD: – Charter for the Office of the Inspector General (FAO Manual Section 107); – Policy on fraud and improper use of the Organization's resources	– Allegations of violations of FAO Rules and Regulation, i.e., fraud and unsatisfactory conduct by staff, as well as fraudulent and corrupt activities by third parties involved in programmes and operations of the Organization; – Since January 2011, the Office is also responsible for conducting preliminary reviews and full	– Human Resources: allegations of harassment, including sexual harassment, which cannot be resolved through an informal process; – The medical insurance commercial provider's investigation unit: conducts its own investigations into cases of possible medical insurance fraud by FAO staff members, and its reports are forwarded to the Office of the Inspector General (AUD).

Organization	*Formal investigation function (Yes/No)*	*Authority mandating oversight entity to conduct investigations*	*Scope of function*	*Other entities conducting formal investigations**
		(Administrative Circular 2004/19); – Whistleblower Protection Policy (Administrative Circular 2011/05)	investigations into alleged retaliation; – Allegations of medical insurance fraud.	AUD will treat the reports from the medical insurance provider always as preliminary reviews and will always conduct investigative actions in accordance with FAO policies.
UNESCO	Yes	IOS: – Administrative manual 1.6 – Human Resources Manual 18.3 "Whistleblower protection policy"	– Misconduct, including unlawful, unethical and wasteful conduct (e.g., fraud, corruption, embezzlement, theft, discrimination, harassment, abuse of authority, conflict of interest, mismanagement or waste of resources etc.)	
ICAO	No	EAO: – Charter for the Evaluation and Internal Audit Office of June 2009	– Misconduct of a financial nature	– The Ethics Officer (a new post which has yet to be formally established and filled) will receive and review all reports of misconduct, and decide whether an investigation is warranted; and which would be the appropriate office to conduct it (appointing an ad hoc investigation committee). (ICAO Framework on Ethics coming into effect on 1 January 2012; approved by the Council in June 2011) – If necessary, the investigation could be outsourced
WHO	Yes	IOS: – Financial Rule XII, 112.1	– Administrative internal investigations	

Organization	*Formal investigation function (Yes/No)*	*Authority mandating oversight entity to conduct investigations*	*Scope of function*	*Other entities conducting formal investigations**
UPU	Yes[a]	Internal Audit: – Charter of Internal Audit annexed to the UPU financial regulations	– A wide scope: covering HR issues to finance related matters, and any other activities under the International bureau mandate	
ITU	Yes[b]	Internal Audit: – ITU internal audit charter (Service Order 10/99 of 8 June 1999); – ITU Policy for the protection of staff against retaliation for reporting misconduct (Service Order 11/04)	"*The Internal Auditor is responsible for performing independent audits, inspections, investigations and other oversight work to ensure the effective, efficient and economical management and use of the financial, human, technological and intangible resources of ITU.*"	– The Commission of inquiry: is responsible for conducting confidential and independent reviews of claims of harassment and abuse of authority. (ITU policy on harassment and abuse of authority; Service Order 05/05 of 16 March 2005); – The Secretary-General has the authority to set up *ad hoc* investigations committees, for matters not obviously falling under the scope of responsibilities of the above-mentioned mechanism.
WMO	Yes[c]	IOO: – Financial regulation 13.8	– Fraud, waste, mismanagement, misconduct, significant fraudulent activities	– Joint Grievance Panels: investigate misconduct, sexual harassment, harassment, abuse of authority (Service Note No. 26/2003)
IMO	Yes[d]	IOS: – Financial Rules and Regulations: Terms of reference of the Internal Oversight Section; – Policy and Procedures on the Prevention and Detection of Fraud and Serious Misconduct	– Allegations of wrongdoing which involve violations of the Organization's rules, regulations, and pertinent administrative issuances, and acts of mismanagement, misconduct, waste and abuse of authority by staff	– Administrative and/or Legal Affairs and External Relations Divisions: The Secretary-General may request their Directors to assume the responsibility assigned to IOS in cases where a staff member of IOS is the subject of the investigation or the nature of the case warrants significant administrative and/or legal intervention to establish the facts

Organization	*Formal investigation function (Yes/No)*	*Authority mandating oversight entity to conduct investigations*	*Scope of function*	*Other entities conducting formal investigations*[a]
		(appendix F to the Staff Regulations and Rules)		
WIPO	Yes	IAOD: – Internal Oversight Charter, 2010 (Financial Regulations and Rules, Annex 1); – Investigation Section Policy, August 2010 (Draft)	– Wrongdoing and misconduct	
UNIDO	Yes	IOS: – Internal Oversight Services Charter (April 2011) DGB/(M).92 Rev.2 – Financial Rules and Regulations, Rule 109.1.15; – Policy on fraud awareness and prevention (D-G Bulletin 6 June 2005)	– Allegations, fraud, misconduct, unethical behaviour and possible violations of regulations, rules and administrative instructions, as detailed in Policy on Fraud Awareness and Prevention	– Administration: where "there is an indication of breach of conduct, it is incumbent upon the Administration to follow up with the necessary enquiries and, in the course of doing so, to talk to the staff member concerned." (Administrative Circular on disciplinary measures no. 87, UNIDO/DA/PS/AC.87, of 28 May 1992)
UNWTO	No[c]			

Organization	*Formal investigation function (Yes/No)*	*Authority mandating oversight entity to conduct investigations*	*Scope of function*	*Other entities conducting formal investigations**
IAEA	Yes	OIOS: Office of Internal Oversight Services Charter	– Irregularities and reports of alleged violations of the Agency's regulations, rules, policies and administrative issuances involving Agency staff members and persons or entities with a contractual or other relationship with the Agency	– Human Resources: cases in accordance with the Staff Regulations and Rules Appendixes E and G

* Independent of the formal investigation function or overall internal oversight function in an organization; with the exception of the security services, which investigate only security-related incidents in each organization.

[a] Previously co-located with Internal Audit; currently, on a case-by-case basis, investigations may be outsourced to an international private company hired for audits or "insourced" to OIOS.

[b] Co-located with Internal Audit Unit and the Ethics Office.

[c] Currently co-located with the Ethics Office in the Internal Oversight Office; corrective action is reportedly under way.

[d] If required, the Internal Oversight Services may hire investigation experts familiar to the United Nations system internal investigations as consultants.

[e] No internal oversight function: the investigation function could be deployed through external support (outsourced).

Annex II

Data on internal oversight entities' investigation cases closed in 2010

A: Number of cases closed after a preliminary assessment/review
B: Number of cases closed after a full investigation
Total: The total number of cases per category of misconduct

United Nations, its fuads and programmes																								
Organization	**UN**			**UNDP**			**UNFPA**			**UNICEF**			**UNHCR**			**UNRWA**			**UNOPS**			**WFP**		
Category of misconduct: • Sub-category of misconduct	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**
Financial irregularities:			**227**			**102**			**32**			**24**			**37**			**14**			**9**			**22**
• Fraud (incl. entitlement, financial, medical insurance)	–	–		11	4		–	1		2	8		9[5]	13[5]		2	1		–	–		2	5	
• Misuse of resources	20[1]	5[1]		11	2		–	–		–	2		–	1		1	3		–	–		–	–	
• Procurement: fraud, collusion	19	30		36	12		–	25		–	–		–	1		1			3	–		1	5	
• Theft and embezzlement	–	–		8	5		–	–		2	8		3	3		–	5		4	1		2	7	
• Financial disclosure requirements' failure	–	–		–	–		–	–		–	–		–	–		–	–		–	–		–	–	
• Misrepresentation, forgery and false certification	–	–		9	4		–	–		–	2		2	2		–	1		–	–		–	–	
• Other	132	21		–	–		–	6[4]		–	–		3	–		–	–		1	–		–	–	
Workplace harassment/ abuse of authority:			**8**			**34**			**4**			**6**			**38**			**32**			**2**			**19**
• Abuse of authority	–	–		11	2		–	–		–	2		9	7		5	7		2	–		3	1	
• Sexual harassment	7	1		–	–		–	1		–	2		1	1		3	2		–	–		1	4	
• Workplace harassment/ discrimination	–	–		20[3]	1[3]		–	3		2	–		10	10		7	8		–	–		4	6	
Improper recruitment/ personnel cases	141	68	**209**	27	2	**29**	–	2	**2**	–	–	**0**	–	–	**0**	15	5	**20**	–	–	**0**	–	–	**0**
Retaliation against whistleblowers	–	–	**0**	2	3	**5**	–	–	**0**	–	–	**0**	1	–	**1**	–	–	**0**	–	–	**0**	–	1	**1**

Other allegations:			**152**			**56**			**5**			**15**			**37**			**175**			**4**			**74**
• Assault and threats	–	–		8	3		–	–		–	–		–	3		7[6]	44[6]		–	–		–	–	
• Failure to comply with local laws	–	–		5	2		–	–		–	–		1	3		9	12		–	–		–	–	
• Sexual exploitation and sexual abuse	43	47		5	4		–	–		–	–		3	1		5	8		–	–		–	–	
• Other failure to comply with obligations	–	–		13	5		–	5		–	5		13	8		32	58		–	4		–	–	
• Other	54[2]	8[2]		–	11		–	–		7	3		4	1					–	–		49[7]	25[7]	
Grand total	416	180	**596**	166	60	**226**	0	43	**43**	13	32	**45**	59	54	**113**	87	154	**241**	10	5	**15**	62	54	**116**

Specialized agencies and IAEA																								
Organization	**ILO**			**FAO**			**UNESCO**			**ICAO**			**WHO**			**UPU**			**ITU**			**WMO**		
Category of misconduct: • Sub-category of misconduct	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**
Financial irregularities:			**12**			**47**			**21**			**0**			**9**			**0**			**1**			**3**
• Fraud (incl. entitlement, financial, medical insurance)	1	–		2	4		3	–					2	4					–	–		–	–	
• Misuse of resources	5	2		3	–		–	1					2	1					–	–		–	–	
• Procurement: fraud, collusion	1	–		16	3		9	1					–	–					–	1		–	1	
• Theft and embezzlement	–	2		1	–		1	2					–	–					–	–		1	–	
• Financial disclosure requirements failure	–	–		–	–		–	–					–	–					–	–		–	–	
• Misrepresentation, forgery and false certification	1	–		–	2		4	–					–	–					–	–		–	1	
• Other	–	–		7	9		–	–					–	–					–	–		–	–	
Workplace harassment/ abuse of authority:			**2**			**7**			**5**			**0**			**13**			**0**			**0**			**1**
• Abuse of authority	–	–		4	2		–	–					–	–					–	–		1	–	
• Sexual harassment	–	–		–	–		1	2					3	1					–	–		–	–	
• Workplace harassment	2	–		1	–		2	–					6	3					–	–		–	–	
Improper recruitment personnel cases	–	–	**0**	–	–	**0**	1	–	**1**			**0**	1	–	**1**			**0**	–	–	**0**	–	–	**0**
Retaliation against whistleblowers	–	–	**0**	–	–	**0**	–	–	**0**			**0**	–	–	**0**			**0**	–	–	**0**	–	–	**0**

Other allegations:			**0**			**19**			**6**			**0**			**8**			**0**			**0**			**0**
• Assault and threats	–	–		–	–		–	3					–	–					–	–		–	–	
• Failure to comply with local laws	–	–		1	1		–	–					1	1					–	–		–	–	
• Sexual exploitation and sexual abuse	–	–		–	–		–	–					–	–					–	–		–	–	
• Other failure to comply with obligations	–	–		1	1		–	–					3	3					–	–		–	–	
• Other	–	–		15	–		2	1					–	–					–	–		–	–	
Grand total	10	4	**14**	51	22	**73**	23	10	**33**	0	0	**0**	18	13	**31**	0	0	**0**	0	1	**1**	2	2	**4**

Specialized agencies and IAEA (cont'd)															
Organization	**IMO**			**WIPO**			**UNIDO**			**UNWTO**			**IAEA**		
Category of misconduct: • Sub-category of misconduct	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**	**A**	**B**	**Total**
Financial irregularities:			**0**			**2**			7			**0**			**11**
• Fraud (incl. entitlement, financial, medical insurance)				–	1		2	1					–	–	
• Misuse of resources				–	–		–	–					1	1	
• Procurement: fraud, collusion				–	–		2	–					–	2	
• Theft and embezzlement				–	–		–	–					–	1	
• Financial disclosure requirements failure				–	–		–	–					–	1	
• Misrepresentation, forgery and false certification				–	–		–	–					–	1	
• Other				–	1		2	–					2	2	
Workplace harassment/ abuse of authority:			**0**			**4**			2			**0**			**5**
• Abuse of authority				2	–		2	–					–	1	
• Sexual harassment				–	–		–	–					–	1	
• Workplace harassment				1	1		–	–					2	1	
Improper recruitment/personnel cases			**0**	1	–	**1**	–	–	**0**			**0**	1	1	**2**
Retaliation against whistleblowers			**0**	–	–	**0**	1	–	**1**			**0**	–	1	**1**

Other allegations:			**0**			**16**			**54**			**0**			**4**
• Assault and threats				–	–		1	–					–	–	
• Failure to comply with local laws				–	–		–	–					–	–	
• Sexual exploitation and sexual abuse				–	–		–	–					–	–	
• Other failure to comply with obligations				–	–		1	–					1	–	
• Other				6	10		52	–					2	1	
Grand total	**0**	**0**	**0**	10	13	**23**	63	1	**64**	0	0	**0**	9	14	**23**

[1] Includes inventory/assets.
[2] Includes programmatic allegations.
[3] Harassment cases include sexual harassment cases.
[4] Includes violations of Financial Rules and Regulations.
[5] Includes Refugee Status Determination/Resettlement (RSD/RST) fraud cases.
[6] Includes corporal punishment by teaching staff on school pupils.
[7] Includes food diversion.

Annex III

Budget and staffing resources in 2010 for investigations[1]

Organization	*Managed resources (Millions of US dollars)**	*Internal oversight entity budget (Millions of US dollars)**	*Investigation budget (Millions of US dollars)**	*Professional staff dedicated to investigations (vacancies)*	*Remarks*
UN	*not provided*	52.9	14.7	70 (27)	Professional staff include OIOS resident investigators assigned to DPKO/DFS missions
UNDP	*not provided*	13.4	2.2	7	Two staff are involved in case assessment
UNFPA	783.0	5.1	0.8	3	
UNICEF	4 563.0	8.0	No separate allocation	2	Approximate cost of investigation budget is US$ 0.5*
UNHCR	1 903.5	4.6	No separate allocation	5	
UNRWA	863.9	2.0	No separate allocation	1	The USG earmarked funds for one additional investigator post (under recruitment)
UNOPS	1 390.5	2.0	No separate allocation	1	US$ 0.2* were allocated for the salary of dedicated investigator, whose work was supplemented by the use of consultants, as well IAIG auditors and Director
WFP	4 200.0	6.3	2.4	10 (1)	
ILO	608.8	1.8	No separate allocation	1	Investigations are conducted by a Certified Chartered Accountant; professional staff are supplemented by auditors
FAO	1 133.0	5.3	No separate allocation	4	US$ 1.0* allocated for salaries of staff assigned to the Investigations Unit
UNESCO	326.5	3.0	0.2	1	IOS auditors routinely assigned to supplement investigative capacity
ICAO	235.0	0.8	No separate allocation	0	
WHO	2 150.0	3.9	0.5	1	Additional 0.25 FTEs auditor support
UPU	27.5	0.2	No separate allocation	0	Investigations may either be outsourced to an international private company hired for audits or "in-sourced" (OIOS)
ITU	196.0	0.5	No separate allocation	0	Investigations conducted by auditors
WMO	99.3	1.2	No separate allocation	0	Investigations conducted by auditors
IMO	91.0	0.03	No separate allocation	0	Investigations may be conducted by consultants
WIPO	340.6	2.0	No separate allocation	1	Approved additional investigator post in 2011 (under recruitment)

Organization	*Managed resources (Millions of US dollars)**	*Internal oversight entity budget (Millions of US dollars)**	*Investigation budget (Millions of US dollars)**	*Professional staff dedicated to investigations (vacancies)*	*Remarks*
UNIDO	281.9	0.6	No separate allocation	1	Approximate cost of investigation budget is US$ 0.2*; professional staff is supplemented by auditors
UNWTO	22.1	0.01	Not applicable	0	Creation of internal oversight function through additional staff seen as unaffordable and unnecessary for a small organization
IAEA	506.4	2.5	0.2	1	The Director General approved additional investigator post in 2011 (under recruitment)

[1] Excluded budget and staffing resources for investigations conducted outside the internal oversight entity.

* All resources/ budgets converted to United States dollars. The conversion rates are US$ 1= SwF 0.90, US$ 1= €0.74, US$ 1= £0.64.

Annex IV

Overview of action to be taken by participating organizations on the recommendations of the Joint Inspection Unit JIU/REP/2011/7

		United Nations, its funds and programmes									Specialized agencies and IAEA												
		Intended impact	United Nations*	UNDP	UNFPA	UNICEF	UNHCR	UNRWA	UNOPS	WFP	ILO	FAO	UNESCO	ICAO	WHO	UPU	ITU	WMO	IMO	WIPO	UNIDO	UNWTO	IAEA
Report	For action		☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒	☒
	For information		☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐	☐
Recommendation 1		e	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
Recommendation 2		e	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
Recommendation 3		e	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
Recommendation 4		e	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Recommendation 5		b c	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I	I
Recommendation 6		d	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Recommendation 7		d	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E	E
Recommendation 8		e	E																				

Legend: **L:** Recommendation for decision by legislative organ
E: Recommendation for action by executive head
I: Recommendation for action by the head of internal oversight/investigation unit
■: Recommendation does not require action by this organization

Intended impact: **a:** enhanced accountability **b:** dissemination of best practices **c:** enhanced coordination and cooperation **d:** enhanced controls and compliance **e:** enhanced effectiveness **f:** significant financial savings **g:** enhanced efficiency **o:** other

* Covers all entities listed in ST/SGB/2002/11 other than UNHCR, UNRWA.